

EXECUTIVE OFFICER SUMMARY REPORT
October 9, 2002

ITEM: 5

SUBJECT: Administrative Assessment of Civil Liability containing a Mandatory Minimum Penalty against Manchester Resorts (San Diego Hyatt Hotel Expansion) for violations of Order No. 2000-90, NPDES Permit No. CAG919001, *General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto*. (Tentative Order No. R9-2002-0293) (Sherrie Komeylyan)

PURPOSE: The Regional Board will decide whether to adopt tentative Order No. R9-2002-0293 (Attachment 1) accepting settlement of civil liability in the amount of \$9,000.

PUBLIC NOTICE: On August 27, 2002, the public was informed of the proposed settlement of liability by posting this notice on the Regional Board web site. As of September 27, 2002, no comments concerning the settlement of liability have been received.

DISCUSSION: On August 6, 2002, the Executive Officer issued Complaint No. R9-2002-0207 to Manchester Resorts for violations of Order No. 2000-90 (General Dewatering Permit for discharges to San Diego Bay). Manchester Resorts is expanding the downtown San Diego Hyatt Hotel. Construction activities necessitated pumping of intruding groundwater which is discharged into a City of San Diego storm drain connected to San Diego Bay. Pumping began on July 13, 2001 and ceased on April 26, 2002. Manchester Resorts reported three copper violations within a six-month period (January 2002 through June 2002). On August 27, 2002 Manchester Resorts signed and submitted a waiver of hearing form agreeing to the terms of the Complaint (Attachment 3). Manchester Resorts at that same time submitted a check in the amount of \$9,000 for payment of their mandatory minimum penalties, a copy of which is attached (Attachment 4). If the Regional Board does not adopt the tentative Order, a hearing will be rescheduled for a future Regional Board meeting.

LEGAL CONCERNS: None.

SUPPORTING
DOCUMENTS:

- (1) Tentative Order No. R9-2002-0293
- (2) Table 1 - Violation Summary for Manchester Resorts –
Hyatt Hotel Expansion Construction Dewatering
- (3) Waiver of Hearing Form
- (4) Copy of check No. 12421

RECOMMENDATION(S) Adopt tentative Order No. R9-2002-0293.